

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LARRY RAFIQ SAMUELS,)	
Plaintiff,)	
)	C.A. No. 21-324 Erie
v.)	
)	District Judge Susan Paradise Baxter
SUPERINTENDENT M. OVERMYER,)	Magistrate Judge Richard A. Lanzillo
et al.,)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff Larry Rafiq Samuels commenced this action by filing a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 for alleged violations of his rights under the fourth, eighth and fourteenth amendments to the United States Constitution [ECF No. 7]. This matter was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. §636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On January 24, 2022, Judge Lanzillo entered an Order directing Plaintiff to provide USM-285 form service instructions for each Defendant by February 24, 2022, so that the four named Defendants could be properly served with the complaint in this matter [ECF No. 6]. After Plaintiff failed to comply with this Order, Judge Lanzillo issued a second order on March 3, 2022, requiring Plaintiff to provide service instructions for each Defendant, along with four copies of his 127-page complaint (including exhibits), by March 30, 2022 [ECF No. 12]. This Order specified further that Plaintiff's failure to provide the required service form within such time might result in the dismissal of this action for failure to prosecute.

By July 7, 2022, Plaintiff had provided the Court with the required service instructions, but failed to provide the four copies of his complaint, with exhibits, as specified in the Order of March 3, 2022. As a result, Judge Lanzillo issued another show cause Order on July 7, 2022, requiring Plaintiff to explain why he didn't comply with the Court's Order or, in the alternative, provide the required copies of the complaint, with exhibits, by July 21, 2022 [ECF No. 15]. This Order reiterated that Plaintiff's failure to comply might result in the dismissal of this action for failure to prosecute (Id.).

After Plaintiff failed to comply with the Order of July 7, 2022, Judge Lanzillo issued a report and recommendation ("R&R") on September 13, 2022 [ECF No. 20] recommending dismissal of this action for Plaintiff's failure to prosecute. No timely objections to the R&R have since been filed by Plaintiff.

After *de novo* review of all relevant documents in this case, together with the report and recommendation, the following order is entered:

AND NOW, this 30th day of September, 2022;

IT IS HEREBY ORDERED that this case is DISMISSED for Plaintiff's failure to prosecute. The report and recommendation of Magistrate Judge Lanzillo, issued September 13, 2022 [ECF No. 20], is adopted as the opinion of the court.

The Clerk is directed to mark this case "CLOSED."



SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
United States Magistrate Judge